

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #9	CCRB Case #: 201802116	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/08/2018 8:00 PM	Location of Incident: [REDACTED]	Precinct: 67	18 Mo. SOL 9/8/2019	EO SOL 9/8/2019	
Date/Time CV Reported Mon, 03/19/2018 11:42 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/19/2018 11:42 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Timothy Reilly	05913	949535	PBBS SU
2. SGT Brian Alexander	03185	948599	PBBS SU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Christian Cayenne	2135	954620	PBBS SU

Officer(s)	Allegation	Investigator Recommendation
A.POM Timothy Reilly	Abuse: Police Officer Timothy Reilly refused to provide his name and shield number to § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Brian Alexander	Abuse: Sergeant Brian Alexander refused to provide his name and shield number to § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Timothy Reilly	Abuse: Police Officer Timothy Reilly took a recording of § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Timothy Reilly	Abuse: Police Officer Timothy Reilly threatened § 87(2)(b) [REDACTED] with the use of force.	[REDACTED]

### Case Summary

On March 19, 2018, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board over the phone.

On March 8, 2018, at approximately 8:00 p.m. Police Officer Timothy Reilly, Police Officer Christian Cayenne and Sergeant Brian Alexander, assigned to Patrol Borough Brooklyn South, stopped § 87(2)(b)'s vehicle at East 52<sup>nd</sup> Street and Church Avenue in Brooklyn. Police Officer Reilly asked § 87(2)(b) for her license, registration and insurance. § 87(2)(b) provided her license upon Police Officer Reilly's request and continued to look for her registration and insurance. § 87(2)(b) then asked Police Officer Reilly for his name, shield number and business card. Police Officer Reilly handed Sergeant Alexander her license and returned to the unmarked police vehicle (**Allegation A -Abuse of Authority, § 87(2)(g)**). § 87(2)(b) asked Sergeant Alexander for his name, shield number and business card. Sergeant Alexander replied, "Well that's okay," and told her that he did not have a business card and returned to the unmarked police vehicle with Police Officer Cayenne (**Allegation B-Abuse of Authority, § 87(2)(g)**).

Approximately five minutes later, § 87(2)(b) told Police Officer Reilly that there were cameras in the area. Police Officer Reilly, who had a cellphone in his hand, held it in § 87(2)(b)'s direction and allegedly stated that he was recording her as well (**Allegation C-Abuse of Authority, § 87(2)(g)**). § 87(2)(b) called 911 and while she was on the phone, Sergeant Alexander informed her that he placed her license and the summonses on the roof of her vehicle.

§ 87(2)(b) exited her vehicle, stood in middle of the road, approximately seven feet away from the front of the officer's vehicle. Police Officer Reilly put the vehicle in drive and allegedly revved the engine, drove and stopped less than a foot from § 87(2)(b)'s feet and continued to rev the engine (**Allegation D-Abuse of Authority, § 87(2)(g)**).

§ 87(2)(b) was issued summons number § 87(2)(b) for improper use of horn and summons number § 87(2)(b) for failure to produce proof of insurance at East 52<sup>nd</sup> Street and Church Avenue by Police Officer Reilly (Board Review 01).

There is no video evidence.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Timothy Reilly refused to provide his name and shield number to § 87(2)(b)**

**Allegation (B) Abuse of Authority: Sergeant Alexander refused to provide his name and shield number to § 87(2)(b)**

As per § 87(2)(b) on March 8, 2018, at approximately 8:00 p.m. Police Officer Timothy Reilly, Police Officer Christian Cayenne and Sergeant Brian Alexander, stopped § 87(2)(b)'s vehicle at East 52<sup>nd</sup> Street and Church Avenue in Brooklyn (Board Review 02). Police Officer Reilly, Police Officer Cayenne and Sergeant Alexander, exited the police vehicle. Police Officer Reilly approached her door and asked § 87(2)(b) for her license, registration and insurance. § 87(2)(b) provided her license to Police Officer Reilly and

continued to look for her insurance and registration. She then asked Police Officer Reilly for his name, shield number and business card. Police Officer Reilly handed Sergeant Alexander her license and returned to the unmarked police vehicle. § 87(2)(b) asked Sergeant Alexander for his name, shield number and business card. Sergeant Alexander replied, “Well that’s okay,” and told her that he did not have a business card and returned to the unmarked police vehicle with Police Officer Cayenne. § 87(2)(b) never spoke to Police Officer Cayenne and he did not speak to her.

As per Police Officer Reilly, he stopped § 87(2)(b) for improper use of the horn at East 52<sup>nd</sup> Street and Church Avenue. (Board Review 03). There were no other reasons for which he stopped § 87(2)(b) s vehicle at that point. Police Officer Reilly asked for § 87(2)(b) s license, insurance and registration at least three times. § 87(2)(b) provided Police Officer Reilly with her driver’s license and showed him an identification that showed her employment § 87(2)(b). § 87(2)(b) did not provide her registration card or proof of insurance. § 87(2)(b) demanded business cards from the officers. Police Officer Reilly told § 87(2)(b) that they did not have business cards and told her his last name and shield number several times. He also held his shield up for § 87(2)(b) [to see]. § 87(2)(b) did not request PO Reilly’s name and shield number specifically. Police Officer Reilly believed that Sergeant Alexander provided his name and shield number.

Sergeant Alexander’s statement is consistent with Police Officer Reilly’s with the following exceptions (Board Review 04). Sergeant Alexander did not remember § 87(2)(b) ask Police Officer Reilly for his name, shield number or a business card at any point, and she did not make that request of him. Police Officer Reilly told her that his name was on the summons. Police Officer Reilly and Sergeant Alexander never refused to provide their name or shield numbers.

As per Police Officer Cayenne, § 87(2)(b) never requested the name or shield number of Police Officer Reilly or Sergeant Alexander (Board Review 05). He did not hear Police Officer Reilly or Sergeant Alexander ever refuse to provide their name or shield number.

It is undisputed between § 87(2)(b) and Police Officer Reilly that she asked for business cards. What is disputed is whether she requested Police Officer Reilly’s and Sergeant Alexander’s names and shield numbers. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

#### **Allegation (C) Abuse of Authority: Police Officer Timothy Reilly took a recording of**

§ 87(2)(b)

While waiting for the summons to be issued, after the officers returned to their vehicle, § 87(2)(b) stuck her head out of the window and told Police Officer Reilly that there were

cameras in the area. Police Officer Reilly held a cellphone in § 87(2)(b)'s direction and stated that he was recording her as well. § 87(2)(b) called 911 and while she was on the phone, Sergeant Alexander tapped on her driver's window and placed her license and the summonses on the roof of her vehicle.

As per Police Officer Reilly, after § 87(2)(b) provided her license, Police Officer Reilly returned to his vehicle with her license and ran a check on § 87(2)(b)'s license and license plate. While he was conducting searches § 87(2)(b) exited her vehicle. She was in the street yelling on the phone and recorded the officers. Neither Police Officer Reilly or any officer in his vehicle recorded § 87(2)(b). Police Officer Reilly wrote § 87(2)(b) a summons for the improper use of a horn and failure to provide proof of insurance. Police Officer Reilly and Sergeant Alexander returned to § 87(2)(b)'s vehicle and Sergeant Alexander handed her the summons. The officers returned to their vehicle. § 87(2)(b) exited her vehicle, stood half a foot or less from the hood of their vehicle and screamed that she was calling 911. Police Officer Reilly took out his department issued cell-phone to read the 911 CAD system to see what § 87(2)(b) was saying to 911.

Police Officer Cayenne and Sergeant Alexander are consistent that they did not see any officer try and take a photograph or recording of § 87(2)(b) nor say that they were doing so.

It is undisputed between Police Officer Reilly and § 87(2)(b) that he had his cell phone out. What is disputed is whether Police Officer Reilly was recording or taking a picture of § 87(2)(b) when he had his cell phone out. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (D) Abuse of Authority: Police Officer Timothy Reilly threatened § 87(2)(b) with the use of force.**

As per § 87(2)(b) after Sergeant Alexander left the summons on the roof of her vehicle, § 87(2)(b) exited her vehicle, stood in middle of the road, approximately seven feet away from the front of the officer's vehicle. Police Officer Reilly put the vehicle in drive and revved the engine and drove and stopped less than a foot from § 87(2)(b)'s feet and continued to rev the engine.

As per Police Officer Reilly, while § 87(2)(b) was standing in front of his vehicle, he did not rev the engine but stated he may have activated the sirens once and told § 87(2)(b) that she had to get out of the middle of the street. At no point did he drive towards § 87(2)(b)

§ 87(2)(b)

Sergeant Alexander and Police Officer Cayenne are consistent that Police Officer Reilly did not rev the engine while § 87(2)(b) was standing in front of their vehicle.

It is undisputed that § 87(2)(b) exited her vehicle and stood in front of and next to the officer's vehicle, it is disputed whether while § 87(2)(b) was in front of the vehicle Police Officer Reilly revved the engine. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b)  
[Redacted]  
[Redacted]
  - [Redacted]  
[Redacted]  
[Redacted]
  - [Redacted]
- Police Office Reilly has been a member of service for eight years and has been a subject in 10 complaints and 31 allegations, none of which were substantiated. § 87(2)(g)  
[Redacted]
- Sergeant Alexander has been a member of eight years and has been subject in 11 cases and 27 allegations, six of which have been substantiated.
  - Case number 201502721 involved substantiated allegations of a vehicle stop, refusal to provide name and shield number, frisk, search of a person, and questioning against Sergeant Alexander. The Board recommended command discipline A and the NYPD imposed command discipline A.

### Mediation, Civil and Criminal Histories

- On April 20, 2018, this case was sent to mediation and on July 13, 2018, the case was returned to the investigation.
- § 87(2)(b)  
[Redacted]  
[Redacted]
- A Notice of Claim request was submitted on September 17, 2018, from the New York City Comptroller's office and will be added to the case file upon receipt.

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date